

SUPPLEMENT CLEAN UP/////////TITLE B&E / THEFT/ FELONIOUS ASSAULT ON A
POLICE OFFICER /RESISTING ARREST / ARREST / CONFINEMENT/////////
/////////CLEAN UP///////// RMS 14-269630/////////CLEAN UP/////////

ON 8-28-14, WHILE ASSIGNED TO THE 4TH DISTRICT DETECTIVE BUREAU AS CAR
#4176 . I WAS ASSIGNED THE MENTIONED REPORT FOR FOLLOW UP INVEST.
THE FOLLOWING ARE THE FACTS OF THE INVESTIGATION .

UPON REVIEWING THE REPORT I DET. EVANS #404 , ATTEMPTED TO INTERVIEW
NORTHFOLK RAILROAD AGENT (JAMES KIRK # 1807) , IT WAS AT THAT TIME
IT WAS REVEALED THAT HE HAD A CONCUSSION TO HIS HEAD , AND FAILED TO
REMEMBER THE INCIDENT ENTIRELY .

[THEN INTERVIEWED (JAMES KIRK #1807) PARTNER (AGENT JOSEPH
HERGENROEDER # 1942) WHO WAS INVOLVED IN THE INCIDENT . DURING THE
INTERVIEW HE INFORMED ME THAT , HIM AND HIS PARTNER (J. KIRK) HAD
FINISHED ASSISTING ANOTHER AGENT IN THE AREA . THEY WERE CHECKING
THE POST AREA OF BROADWAY AND HARVARD AVE CHECKING RAILROAD CONTAINERS
AND OBSERVED THAT A CONTAINER WAS OPEN AND THE MALE LATER KNOWN AS
(ROBERT T. DAVIS) WAS REMOVING BOXES FROM THE CONTAINER AND STACKING
THEM ON THE GROUND TO BE TAKEN . (AGENT J. HERGENROEDER # 1942)
STATED THAT HIM AND HIS PARTNER (J. KIRK #1807) APPROACHED THE
MALE (R. DAVIS) WEARING BULLET PROOF ARMOR VEST'S WITH THEIR BADGES
DISPLAYED ON THE VEST'S . THEY ADVISED (R. DAVIS) THAT THEY WERE
NORTHFOLK RAILROAD AGENTS, AND HE WAS UNDER ARREST (AGENT HERGENROEDER
1942) THE MALE ATTEMPTED TO FLEE ON FOOT , WHILE HIM AND HIS (J.
KIRK # 1807) GAVE CHASE . (AGENT HERGENROEDER # 1942) STATED THAT
HIS PARTNER (J. KIRK # 1807) WHILE CHASING MALE (R. DAVIS) OVER
A SIXTEEN FOOT EMBANKMENT CAUGHT UP WITH HIM , AND HE OBSERVED (R.
DAVIS) WHILE STRUGGLING WITH HIS PARTNER THROW HIM OFF THE EMBANKMENT
ON TO A CEMENT SIDEWALK LOCATED DIRECTLY UNDER THE EMBANKMENT . THE
MALE (R. DAVIS) ALSO FELL FROM THE EMBANKMENT ON TO THE CEMENT .

(AGENT (HERGENROEDER #1942) STATED HE APPROACHED THE EMBANKMENT
AND LOOKED DOWN ONLY DTO OBSERVED HIS PARTNER (AGENT J. KIRK #1807)
LAYING DOWN ON THE CEMENT APPEARING TO BE DAZED LAYING IN A PUDDLE OF
BLOOD COMING FROM THE (BACK OF HIS HEAD) . HE ALSO OBSERVED (R. DAVIS)
ON THE CEMENT ALSO BUT HE APPEARED TO *BE GETTING UP* BUT DAZED ALSO .
(AGENT HERGENROEDER #1942) STATED HE MADE IT DOWN TO WHERE HIS
PARTNER WAS LAYING , AND (R. DAVIS) WAS STILLING ATTEMPTING TO FLEE
HE STATED HE ATTEMPTED TO HANDCUFF (R. DAVIS) AND (R. DAVIS)
BEGAN THROWING CLOSE FIST PUNCHES AT HIM STATING GET THE FUCK OFF HIM
AND HE WAS ABLE TO HANDCUFF THE MALE AND HOLD HIM TO THE GROUND WHILE
HE USED HIS CELLPHONE TO CALL FOR ASSISTANCE .

DURING THE INTERVIEW WITH (AGENT J. HERGENROEDER #1942) I QUESTIONED
HIM ON WHAT WAS IN THE BOXES THAT HE OBERVED (R. DAVIS) REMOVING
FROM THE CONTAINER , HE ADVISED ME THAT THE BOXES CONTAINED CLOTHING
IRON PACKAGED FOUR IRONS A BOX , THE BRAND WAS (T FALL) AND THE
IRON WERE VALUED AT \$49.95 APIECE, AND THERE WERE TEN TO TWELVE BOXES
REMOVED FROM THE CONTAINER .

DURING THE INTERVIEW (AGENT J. HERGENROEDER #1942) STATED HE
SUSTAINED NO INJURIES . THE INTERVIEW WAS RECORDED .

UPON FURTHER REVIEWING THE REPORT , IT REVEALED THAT (AGENT J. KIRK #
1807) SUSTAINED A FRACTURED SKULL , AND LACERATIONS TO HIS LEGS AND
BRUISES TO HIS BACK AND HIPS . HE WAS CONVEYED BY EMS TO METRO
HOSPITAL .

INFORMATION WAS LATER REVEALED THAT ARRESTED MALE (ROBERT T.DAVIS)
SUSTAINED A BROKEN BACK FROM THE INCIDENT .

ALSO IT WAS LATER REVEALED A MALE WAS ARRESTED ABOUT A HOUR AND A HALF
PRIOR TO THIS STEALING FROM A RAILROAD CONTAINER IN THE SAME AREA ,
THE MALES NAME WAS (REGINALD LYNCH DOB 2-16-1966 SSN [REDACTED]) .
IT WAS REVEALED THAT (ROBERT T. DAVIS) WAS WITH HIM BUT WAS ABLE TO
FLEE THE SCENE . THAT INCIDENT WAS HANDLED AND WITNESSED BY NORTHFOLK
RAILROAD INVESTIGATOR (RICK MALONE , PHONE # 216-898-4071) .

ON 8-29-14, THE CITY PROSECUTOR'S OFFICE WAS CONSULTED AND AFTER
REVIEWING THE EVIDENCE WITH PROSECUTOR B. FRITZ , HE SIGNED PAPERWORK
CHARGING MALE (ROBERT T. DAVIS) WITH FELONIOUS ASSAULT ON A PEACE
OFFICER . THE ADDITIONAL CHARGE OF ASSAULT ON A PEACE OFFICER C/W THE
MALE THROWING PUNCHES AT (AGENT J. HERGENROEDER # 1942), ALSO
BREAKING AND ENTERING AND THEFT C/W THE ENTERING OF THE CONTAINER AND
REMOVING THE BOXES , TO BE PRESENTED TO THE GRAND JURY .

REQUEST THAT BOTH NORTHFOLK RAILROAD OFFICERS ATTEND THE GRAND JURY .

MALE (ROBERT T. DAVIS) WAS CHARGED ON 8-29-14 .

A MEDICAL HIPPA FORM TO BE OBTAINED FROM (AGENT J. KIRK #1807) .

THIS INVEST IS CONSIDERED A CLEAN UP //////////////////////////////////

CIF # 9728 AI

INVEST FILE # 14-254-747 .

RESPECTFULLY

DET. PHILMORE EVANS #404

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